



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
SEAT SACK, INC.,

Plaintiff,

- against -

CHILDCRAFT EDUCATION CORP., and
SCHOOL SPECIALTY, INC.,

Defendants.

-----x
07 Civ. 3344 (DFE)

This is ~~s~~ an ECF case

MEMORANDUM AND ORDER

DOUGLAS F. EATON, United States Magistrate Judge.

On February 13, 2008, I held a conference with Mr. Carroll and Mr. Baish participating by telephone and Mr. Fine participating in Courtroom 18A.

I denied plaintiff's motion for a preliminary injunction (Document 22). As to defendants' motion to dismiss some of the counts, Mr. Carroll offered to prepare an amended complaint that would provide more particulars about the fraud claims. Instead, I ruled that it will be more efficient to proceed as follows.

By February 19, 2008, plaintiff must serve its disclosures pursuant to Rule 26(a)(1), Fed. R. Civ. P. Also by February 19, 2008, plaintiff must serve its responses to all discovery requests made by defendants prior to February 1, 2008. Plaintiff's president Ann McAlear must appear in New York City for deposition, preferably during early March. She must be prepared to state the full particulars of plaintiff's fraud claims; she must (1) specify each statement that plaintiff contends were fraudulent, (2) identify the speaker of each statement, and identify each other person who was present or received the statement, (3) state when and where each statement was made, and (4) explain why each statement was fraudulent. After the deposition of Ms. McAlear, plaintiff may take the deposition of a knowledgeable person from Childcraft. By March 31, 2008, plaintiff must serve the disclosure required by Rule 26(a)(2)(A), namely "the identity of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence."

Douglas F. Eaton

DOUGLAS F. EATON
United States Magistrate Judge
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New York, New York 10007
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Dated: New York, New York
February 14, 2008

Copies of this Memorandum and Order are being sent by fax and by electronic filing to:

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